IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 390 OF 2006

RAJARAM GULABI NAIK ..APPELLANT

V/S

VITHAL APPA GAWAS & ANR. ..RESPONDENTS

MR. SHAILESH S. REDEKAR FOR THE APPELLANT.

MR. SUDHIR PRABHU FOR RESPONDENT NO.1.

MRS. M.M. DESHMUKH - APP FOR STATE.

CORAM: V.M. KANADE, J.

DATE : 17TH OCTOBER, 2007.

P.C.

1. Heard learned counsel appearing on behalf of the Applicant and Respondents. There is delay of 267 days in filing the Application for Leave to file Appeal. The learned Advocate for the Applicant has filed Affidavit in which he has stated that the Application for Leave to file Appeal was affirmed on 6-10-2005 and it was handed over to his clerk. However before the Appeal could be filed his clerk expired in the month of January 2006 and thereafter the papers were found by the assistant of late Mr. Desai. He submits that under these circumstances the delay was caused. The explanation is accepted. The delay caused in filing the Application for Leave to file Appeal is condoned. Place the

application for leave to file Appeal on the admission board on 31-10-2007. Application is disposed of.

(V.M. KANADE, J)